

### **REMARKS**

This amendment is submitted in response to an Office Action mailed March 29, 2005. Claims 1-46 are pending in the present application for the Examiner's review and consideration. Applicants appreciate the Examiner's indication that claims 1-31 are allowable over the prior art. In view of the following remarks, reconsideration by the Examiner and allowance of the application are respectfully requested.

### **OBVIOUSNESS-TYPE DOUBLE PATENTING**

Claims 32-35, 37-41, and 43-46 are provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of copending U.S. Application Serial No. 10/431,318 (the '318 application). Claims 32-35, 37-41, and 43-46 are also rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 12-13 of U.S. Patent No. 6,559,324 (the '324 patent). Claims 32-46 are provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Application Serial No. 10/840,494 (the '494 application).

Claims 32-37 of the present application are limited to a storage-stable calcium salt saponification product of an unsaturated oil consisting essentially of one or more fish oils. The claims referred to by the Examiner in the cited applications and patent neither disclose nor suggest a calcium salt saponification product. Further, the claims do not disclose or suggest a storage-stable calcium salt of an unsaturated oil consisting essentially of one or more fish oils. These types of calcium salts are outside the scope of the claims in the cited applications and patent. One of ordinary skill in the art would recognize that the compositions claimed in the cited applications and patent would not be storage-stable calcium salts if fish oil were incorporated because of the high glyceride and unsaturation levels of fish oils.

Claims 38-46 of the present application are limited to a storage-stable fatty acid calcium salt saponification product with an unsaturated fatty acid concentration sufficient to form unstable calcium salt products when saponified in an ambient atmosphere. The claims referred to by the Examiner in the cited applications and patent neither disclose nor suggest a calcium salt

saponification product. Further, the claims do not disclose or suggest a storage-stable fatty acid calcium salt saponification product with an unsaturated fatty acid concentration sufficient to form unstable calcium salt products when saponified in an ambient atmosphere. These types of calcium salts are outside the scope of the claims in the cited applications and patent. One of ordinary skill in the art would recognize that the compositions claimed in the cited applications and patent would not be storage-stable calcium salts if fish oil were incorporated due to the high glyceride and saturation levels of fish oils. This is especially true since claim 38 of the current application, upon which claims 39-46 depend, recites a concentration of an unsaturated fatty acid sufficient to form unstable calcium salt products when saponified in air. The double patenting rejections are therefore respectfully traversed in view of the above remarks.

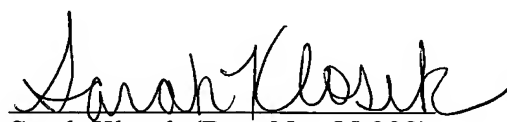
### CONCLUSION

Accordingly, in view of the foregoing remarks, this application is now believed to be in condition for allowance. Reconsideration is respectfully requested. However, the Examiner is requested to telephone the undersigned if there are any remaining issues in this application to be resolved.

A Credit Card Authorization for the one-month Petition for Extension of Time fee of \$120 is enclosed. The Examiner is authorized to charge any additional fees to Applicants' Deposit Account No. 19-5425 therefor.

Respectfully submitted,

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